



KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT

BILL GRAVES, GOVERNOR

Clyde D. Graeber, Secretary

REC'D

AUG 30 2000

RESP

August 28, 2000

Mr. Lin Longshore
Director of Environmental Compliance
Southern Division
Safety-Kleen
1301 Gervais Street, Suite 300
Columbia, SC 29201

RE: Safety-Kleen Continued Use Program

501534



RCRA

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Dear Mr. Longshore:

After obtaining additional information regarding Safety-Kleen's Continued Use Program (CUP) and further reflection on this matter the Kansas Hazardous Waste Program has decided to reverse it's previous approval of this program within the State of Kansas. The most compelling reasons leading us to reach this decision was information contained in the June 29, 2000 letter to Phil Retallick, Vice President, Safety-Kleen, from Lawrence Nadler, Chief, Technical Determination Section, New York State Department of Environmental Conservation (NYSDEC), as well as observations made on August 9, 2000, by members of our own staff while visiting Safety-Kleen's Independence, Missouri CUP operations.

The following is taken from page two of the NYSDEC letter:

- *"Safety-Kleen employees were observed pouring the drums of CUP solvent into the CUP tank. However, if the solvent began to turn dirty looking, the pouring stopped. The same drum was then taken over to the drum washing unit dumpster where the dregs and solids were dumped into the unit instead of the CUP tank. This method of handling was observed for three of the six CUP drums processed that day. Safety-Kleen has long maintained that all of the solvent and any solids in a CUP solvent drum are emptied into the CUP tank and nowhere else. This not only contradicts Safety-Kleen's claim, but also constitutes prior reclamation through separation of solvent from associated solids.*
- *After the CUP drums were emptied, the level in the CUP tank was drawn down sufficiently to expose the screen. It was covered with solids and debris and*

DIVISION OF ENVIRONMENT
Bureau of Waste Management

Forbes Field, Building 740
(785) 296-1608

Printed on Recycled Paper

Topeka, Kansas 66620-0001
Fax (785) 296-8909

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Safety-Kleen employees stated that the screens had to be cleaned every day. Ohio had reported a similar situation there with respect to the frequency of cleaning. Aside from organic solids, the inspectors also observed readily identifiable paint chips, metal filings and turnings, and larger debris items, such as pieces of wire, rags, and cigarette butts.

Safety-Kleen has maintained that the sole purpose of the screens is to protect the pump impellers from being damaged by gross solid objects, such as nuts, bolts, and rags. However, the standard pore/mesh size of the screen is 3/32 of an inch which seems much finer than what is needed for that purpose. Clearly, the CUP tank screens are removing far more than gross solid objects. The screening process constitutes a form of treatment, as North Carolina has already noted, and arguably, additional prior reclamation as well.

- Perhaps the most surprising observation involves how the CUP tank screens were cleaned. They were sprayed with clean solvent to dissolve the solids so that they would pass through the screen. This was subsequently determined to be a standard practice for CUP screen cleaning, but this has never been disclosed by Safety-Kleen.*

Thus, implementation of the CUP system has caused Safety-Kleen to use clean solvent in the drum washing process. Safety-Kleen has never had to use clean solvent before, only used solvents.

Finally, the fortification of CUP solvent with unknown quantities of fresh solvent, used for screen cleaning, could also be considered a form of prior reclamation and raises another question about the effectiveness of the used solvent."

Safety-Kleen's Independence, Missouri employees indicated to members of our Kansas hazardous waste program staff that if the solvent begins to appear too dirty while pouring CUP solvent into the CUP tank, they do indeed take the drum to the drum washing unit dumpster where any remaining solvent and the dregs and solids are dumped. From a regulatory perspective all the contents of drums involved in the CUP program must be used in or all of the material must be a hazardous waste managed in Safety-Kleen's traditional solvent program. **A portion of the contents of an individual solvent container cannot be CUP program material and the other portion hazardous waste.**

While at the Independence, Missouri Safety-Kleen facility, Kansas hazardous waste program staff observed and photographed the lower screen in the CUP tank. They observed a significant accumulation of sludge and fine debris present on the lower screen. They were told by

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Safety-Kleen employees that the normal practice is to wash the screen with virgin 150 solvent in order to dissolve the solids so that they would pass through the screen. This screen cleaning can be considered by Kansas to be a form of prior reclamation.

Based upon this additional information and staff observations, Safety-Kleen must discontinue operations of its CUP program within the State of Kansas. Installation of CUP program units at the Wichita, Kansas branch location should not proceed. The use of the program through the Dodge City, Kansas branch must be discontinued and the CUP equipment removed no later than September 30, 2000. The closure and removal of this equipment must be performed in accordance with Section 6.4 of the approved closure plan since this unit was installed and connected to a regulated unit without submitting a permit modification request.

Should you have any questions regarding this matter, please feel free to contact me at 785-296-1608.

Sincerely yours,



John W. Mitchell, Chief
Waste Policy, Planning & Outreach Section
Bureau of Waste Management

C EPA - Region VII
MDNR
NDEQ
William Bider
Mary Bitney→Ron Smith
Dennis Degner→Mostafa Kamal→Shawn Corbin